

# EXHIBIT A

**Exhibit A – Proposed Constructions and Supporting Intrinsic and Extrinsic Evidence**

<i>Term / Phrase</i>	<i>Oyster’s Proposed Construction</i>	<i>Defendants’ Proposed Construction</i>
<p>“phase modulat[e]” (claims 1, 8, 16, 17, 19)</p>	<p>“alter the phase of light to create an optical signal having a phase that is representative of data”</p> <p><i>Intrinsic Evidence:</i></p> <p>Abstract; Figs. 1 and 2; 2:4146, 2:63–3:11, 3:21–34, 3:4654, 3:57–65, 4:29–42, 5:21–24, 6:26–52, 7:12–51, 7:6165, 8:33–41, 8:59–62, 9:11–21, 10:12–28</p> <p><i>Extrinsic Evidence:</i></p> <p>Fiber Optics Standard Dictionary, Third Ed. (1997) at 742 (“phase modulation: Angle modulation in which the phase angle of a carrier, such as an electronic, radio, or optical carrier, is caused to depart from its reference value by an amount proportional to the instantaneous value of the modulating signal”; “optical phase modulator: An optical device that controls or varies the phase of a lightwave relative to a fixed reference or relative to another lightwave in accordance with an information bearing signal.”)</p>	<p>“alter the phase of light to create an optical signal having a phase that is representative of data. Use of phase modulation excludes use of amplitude modulation.”</p> <p><i>Intrinsic Evidence:</i></p> <p>U.S. 6,655,500 patent at Abstract; Figs. 1, 2; 1:13-16, 1:23-26, 1:29-38, 2:22-31, 2:41-46, 2:48-56, 3:12-14, 3:40-42, 3:62-4:3, 4:35-42, 5:35-37, 6:4-5; 7:62-8:11, and 8:18-25;</p> <p>U.S. Patent Application No. 09/772,018 at June 11, 2003 Response to Office Action;</p> <p>U.S. 6,594,055 at Abstract, Fig. 1, 2:33-39, 2:49-64, 3:20-24, 4:35-60, 5:4-7, 5:8-26, claim 1, 15, 27;</p> <p><i>Extrinsic Evidence:</i></p> <p><i>Oyster Optics, LLC v. Coriant America Inc.</i>, 2:16-CV-1302, Dkt. No. 262 (“Motion for Partial Summary Judgment of Noninfringement Based on the Absence of ‘Phase Modulation.’”) (E.D. Tex. Feb. 26, 2018) (including associated</p>

	<p>The Authoritative Dictionary of IEEE Standards Terms, Seventh Ed. (2000) at 816 (“phase modulation (1) (data transmission) Angle modulation in which the angle of a carrier is caused to depart from its reference value by an amount proportional to the instantaneous value of the modulating function”).</p>	<p>attachments filed at No. 2:16-CV-1302, Dkt. Nos. 265, 266, 267, 268, 276, 277, and 279 as well as any public versions of the same);</p> <p><i>Oyster Optics, LLC v. Coriant America Inc.</i>, 2:16-CV-1302, Dkt. No. 354 (Response to Motion re 262 Sealed Motion For Partial Summary Judgment of Noninfringement Based on The Absence of ‘Phase Modulation’”(E.D. Tex. Mar. 21, 2018) (including associated attachments filed at Dkt. Nos. 363, 364, 365, 366, 367, 368, 369, and 370 as well as any public versions of the same);</p> <p><i>Oyster Optics, LLC v. Coriant America Inc.</i>, 2:16-CV-1302, Dkt. No. 458 (“Reply to Response to Motion re 262 Sealed Motion For Partial Summary Judgment of Noninfringement Based on the Absence of ‘Phase Modulation’”) (E.D. Tex. Apr. 4, 2018) (including associated attachment filed at Dkt. No. 459 including any public versions of the same);</p> <p><i>Oyster Optics, LLC v. Coriant America Inc.</i>, 2:16-CV-1302, Dkt. No. 496 (“Sur-reply to Reply to Response to Patent Motion re 262 Sealed Motion For Partial Summary Judgment of Noninfringement Based on the Absence of ‘Phase</p>
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		<p>Modulation’’) (E.D. Tex. Apr. 19, 2018) (including public versions of the same);</p> <p><i>Oyster Optics, LLC v. Coriant America Inc.</i>, 2:16-CV-1302, Dkt. No. 615 (Memorandum Opinion and Order) (E.D. Tex. Jun. 21, 2018);</p> <p>U.S. Patent Nos. 6,469,816, 6,476,952, 7,099,592, and 8,913,898;</p> <p><i>Oyster Optics, LLC v. Infinera Corp.</i>, No. 2:18-cv-00206, Dkt. No. 57 (“Opening Claim Construction Brief”) (E.D. Tex. Mar. 22, 2019) (including associated exhibits);</p> <p><i>Oyster Optics, LLC v. Infinera Corp.</i>, No. 2:18-cv-00206, Dkt. No. 59 (“Responsive Claim Construction Brief”) (E.D. Tex. Apr. 5, 2019) (including associated exhibits);</p> <p><i>Oyster Optics, LLC v. Infinera Corp.</i>, No. 2:18-cv-00206, Dkt. No. 62 (“Claim Construction Memorandum And Order”) (E.D. Tex. May 3, 2019);</p> <p><i>Oyster Optics, LLC v. Infinera Corp.</i>, No. 2:16-cv-01295, 2:16-cv-01302 (lead case), Dkt. No. 157 (“Claim Construction Memorandum And Order”) (E.D. Tex. Sep. 15, 2017) (including associated exhibits);</p>
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